



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

U.S. PATENT & TRADEMARK OFFICE	FIRST NAMED APPLICANT	ATTY DOCKET NO.
09/763318	SPONG K	1170/39207
INTERNATIONAL APPLICATION NO.		
PCT/NZ99/00139		
LA FILING DATE	PRIORITY DATE	
16 AUG 99	19 AUG 98	

DATE MAILED: 15 MAR 2001

NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

1. ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the specification to which it is directed.
3. ☐ does not identify the inventor(s).
4. ☐ does not identify the citizenship of each inventor.
5. ☐ does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the city and state or city and foreign country of residence or each inventor.
2. ☐ does not state that the person making the oath or declaration:
 - a. ☐ has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
 - b. ☐ acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
4. ☐ does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).

Winston M Alvarado
Telephone: 703-305-6421

FORM PCT/DO/EO/917 (September 1996)

BEST AVAILABLE COPY



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Keith Brookes Spong, Graeme)
Colin Fuller, and Gerald David)
Duncan)

For: Door Opening and Closing)
System)

Serial No.: 09/763,318)

Filed: February 16, 2001)

Atty Docket No.: 1170/39207/89)

526 Rec'd PCT/PTO 09 JUL 2001

Att Docket No. 1170/39207/89

Certificate of Mailing by "Express Mail"

Express Mailing No.: E19188685161US

Date of Deposit: July 9, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office Box Addressee" Under 37 C.F.R. §1.10 on the date indicated above addressed to The Assistant Commissioner for Patents, Washington, D.C. 20231.

Tiffany E. Sexton
Tiffany E. Sexton

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION
--FILING DATE GRANTED--

Assistant Commissioner For Patents
Washington, D.C. 20231

BOX: MISSING PART

Sir:

The above-noted application was filed on February 16, 2001 via Express Mail. As a result of the original, executed Declaration document not being attached to said application, a Notice to File Missing Parts -- Filing Date Granted issued.

In response to the aforementioned Notice, please find enclosed herewith the following:

- a. The original Declaration and Power of Attorney for Patent Application, executed by the inventors, Keith Brookes Spong, Graeme Colin Fuller, and Gerald David Duncan.
- b. A copy of the aforementioned Notice to File Missing Parts of Application -- Filing Date Granted; and
- c. The undersigned firm's check in the amount of \$130.00 to cover the surcharge for filing the declaration at this time for a Large Entity.

The Commissioner is authorized to charge Deposit Account No. 20-1495 for any amount necessary to cover any additional costs associated with this Response in the event that the check mentioned above is either insufficient or lost, or to credit any overpayment.

07/16/2001 SNAJARRO 00000097 09763318

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Dated: July 9, 2001

Respectfully submitted,

By:

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Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/763318	SPONG	K (1170/39207)

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INTERNATIONAL APPLICATION NO.

PCT/NZ99/00139

I.A. FILING DATE

PRIORITY DATE

16 AUG 99

19 AUG 98

DATE MAILED:

15 MAR 2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
☒ an Elected Office (37 CFR 1.495):
☒ U.S. Basic National Fee.
☒ Copy of the international application in:
☐ a non-English language.
☒ English.
☐ Translation of the international application into English.
☒ Oath or Declaration of inventor(s) for DO/EO/US.
☐ Copy of Article 19 amendments.
☐ Translation of Article 19 amendments into English.
☒ The International Preliminary Examination Report in English and its Annexes, if any.
☐ Translation of Annexes to the International Preliminary Examination Report into English.
☐ Preliminary amendment(s) filed _____ and _____.
☐ Information Disclosure Statement(s) filed _____ and _____.
☐ Assignment document.
☐ Power of Attorney and/or Change of Address.
☐ Substitute specification filed _____.
☐ Verified Statement Claiming Small Entity Status.
☒ Priority Document.
☒ Copy of the International Search Report ☐ and copies of the references cited therein.
☐ Other:

F+P - PA 86
FILE # 1170-39207
corrected oath/decl
+ Fees DUE 4-15-01

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed:

- ☒ PCT/DO/EO/917 ☐ Notice of Defective Translation
☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Winston M Alvarado

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